IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Crl.Rev.Pet.No. 4118 of 2006()

CRA.362/2000 of ADDL.SESSIONS COURT (ADHOC)-III, THALASSERY
STC.1217/1997 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

REVN. PETITIONER: APPELLANT/ACCUSED

T.P.CHANDRAN,
S/O.KUNHAMBU, TANDAYANKANDY HOUSE,
NEAR AYURVEDA HOSPITAL,
MUZHATHADAM, KANNUR.

BY ADV. SRI.V.RAMKUMAR NAMBIAR

RESPONDENTS: RESPONDENTS:COMPLAINANT

1. M.P.SREESH, S/O.M.KARUNAKARAN,
AGED 39 YEARS, RESIDING AT PANNIYAN HOUSE,
TALAP, KANNUR-2.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 4118 OF 2006

Dated this the 24th day of November,2006

O R D E R

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for six months. He was also directed to pay compensation of Rs.80,000/- to the complainant under Section 357(3) of the Code of Criminal Procedure. The petitioner challenged the conviction and sentence in appeal. The Appellate Court confirmed the conviction, but modified the sentence as imprisonment for three months. The direction to pay compensation was confirmed.

2. The learned counsel for the petitioner submits that the petitioner is aged more than seventy years and it would be too harsh to send him to jail. The petitioner is prepared to pay the compensation amount. But due to financial difficulties, he is not in a position to pay the amount immediately, submits the counsel. In the facts and circumstances of the case,

the sentence of imprisonment is reduced to imprisonment till the rising of the Court. The petitioner is also granted three months time to pay the compensation.

In the result, the Criminal Revision Petition is disposed of in the following manner:

1) The conviction is confirmed

2) The sentence of imprisonment is reduced to imprisonment till the rising of the Court.

3) The direction to pay compensation is also confirmed. However, the petitioner is granted three months' time to pay the compensation.

4) The petitioner shall appear before the trial court on 18.12.2006 to suffer the imprisonment till the rising of the Court. He shall also appear on such dates as may be directed by the trial court till the compensation is paid.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006